

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

JUAN G. GURROLA
3601 Fairmount Street
Bakersfield, CA 93306

Registered Nurse License No. 468646
Public Health Nurse Certificate No. 58877

Respondent

Case No. 2012-340

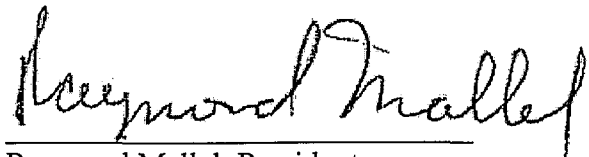
OAH No. 2012050781

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on **March 8, 2013.**

IT IS SO ORDERED **February 8, 2013.**



Raymond Mallel, President
Board of Registered Nursing
Department of Consumer Affairs
State of California

1 KAMALA D. HARRIS
Attorney General of California
2 GLORIA A. BARRIOS
Supervising Deputy Attorney General
3 M. TRAVIS PEERY
Deputy Attorney General
4 State Bar No. 261887
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-0962
6 Facsimile: (213) 897-2804
Attorneys for Complainant

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8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. 2012-340

11 **JUAN G. GURROLA**
12 **3601 Fairmount Street**
13 **Bakersfield, CA 93306**

OAH No. 2012050781

14 **Registered Nursing License No. 468646**
Public Health Certificate No. 58877

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

15 Respondent.

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18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
19 entitled proceedings that the following matters are true:

20 **PARTIES**

21 1. Louise R. Bailey, M.Ed., RN (Complainant) is the Executive Officer of the Board of
22 Registered Nursing. She brought this action solely in her official capacity and is represented in
23 this matter by Kamala D. Harris, Attorney General of the State of California, by M. Travis Peery,
24 Deputy Attorney General.

25 2. Respondent Juan G. Gurrola (Respondent) is represented in this proceeding by
26 attorney Kyle J. Humphrey, whose address is:
27 2211 17th Street
28 Bakersfield, CA 93301

3. On or about August 31, 1991, the Board of Registered Nursing issued Registered Nursing License No. 468646 to Juan G. Gurrola (Respondent). The Registered Nursing License was in full force and effect at all times relevant to the charges brought in Accusation No. 2012-340 and will expire on September 30, 2013, unless renewed.

4. On or about April 1, 1998, the Board issued Public Health Certificate No. 58877 to Respondent. The Public Health Certificate was in full force and effect at all times relevant to the charges brought herein and will expire on September 30, 2013, unless renewed.

JURISDICTION

5. Accusation No. 2012-340 was filed before the Board of Registered Nursing (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on December 2, 2011. Respondent timely filed his Notice of Defense contesting the Accusation.

6. A copy of Accusation No. 2012-340 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

7. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 2012-340. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

8. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel at his own expense; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

9. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

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1 **4. Residency, Practice, or Licensure Outside of State.** Periods of residency or
2 practice as a registered nurse outside of California shall not apply toward a reduction of this
3 probation time period. Respondent's probation is tolled, if and when he resides outside of
4 California. Respondent must provide written notice to the Board within 15 days of any change of
5 residency or practice outside the state, and within 30 days prior to re-establishing residency or
6 returning to practice in this state.

7 Respondent shall provide a list of all states and territories where he has ever been licensed
8 as a registered nurse, vocational nurse, or practical nurse. Respondent shall further provide
9 information regarding the status of each license and any changes in such license status during the
10 term of probation. Respondent shall inform the Board if he applies for or obtains a new nursing
11 license during the term of probation.

12 **5. Submit Written Reports.** Respondent, during the period of probation, shall submit
13 or cause to be submitted such written reports/declarations and verification of actions under
14 penalty of perjury, as required by the Board. These reports/declarations shall contain statements
15 relative to Respondent's compliance with all the conditions of the Board's Probation Program.
16 Respondent shall immediately execute all release of information forms as may be required by the
17 Board or its representatives.

18 Respondent shall provide a copy of this Decision to the nursing regulatory agency in every
19 state and territory in which he has a registered nurse license.

20 **6. Function as a Registered Nurse.** Respondent, during the period of probation, shall
21 engage in the practice of registered nursing in California for a minimum of 24 hours per week for
22 6 consecutive months or as determined by the Board.

23 For purposes of compliance with the section, "engage in the practice of registered nursing"
24 may include, when approved by the Board, volunteer work as a registered nurse, or work in any
25 non-direct patient care position that requires licensure as a registered nurse.

26 The Board may require that advanced practice nurses engage in advanced practice nursing
27 for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

28 If Respondent has not complied with this condition during the probationary term, and

1 Respondent has presented sufficient documentation of his good faith efforts to comply with this
2 condition, and if no other conditions have been violated, the Board, in its discretion, may grant an
3 extension of Respondent's probation period up to one year without further hearing in order to
4 comply with this condition. During the one year extension, all original conditions of probation
5 shall apply.

6 **7. Employment Approval and Reporting Requirements.** Respondent shall obtain
7 prior approval from the Board before commencing or continuing any employment, paid or
8 voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all
9 performance evaluations and other employment related reports as a registered nurse upon request
10 of the Board.

11 Respondent shall provide a copy of this Decision to his employer and immediate
12 supervisors prior to commencement of any nursing or other health care related employment.

13 In addition to the above, Respondent shall notify the Board in writing within seventy-two
14 (72) hours after he obtains any nursing or other health care related employment. Respondent
15 shall notify the Board in writing within seventy-two (72) hours after he is terminated or separated,
16 regardless of cause, from any nursing, or other health care related employment with a full
17 explanation of the circumstances surrounding the termination or separation.

18 **8. Supervision.** Respondent shall obtain prior approval from the Board regarding
19 Respondent's level of supervision and/or collaboration before commencing or continuing any
20 employment as a registered nurse, or education and training that includes patient care.

21 Respondent shall practice only under the direct supervision of a registered nurse in good
22 standing (no current discipline) with the Board of Registered Nursing, unless alternative methods
23 of supervision and/or collaboration (e.g., with an advanced practice nurse or physician) are
24 approved.

25 Respondent's level of supervision and/or collaboration may include, but is not limited to the
26 following:

27 (a) Maximum - The individual providing supervision and/or collaboration is present in
28 the patient care area or in any other work setting at all times.

1 (b) Moderate - The individual providing supervision and/or collaboration is in the patient
2 care unit or in any other work setting at least half the hours Respondent works.

3 (c) Minimum - The individual providing supervision and/or collaboration has person-to-
4 person communication with Respondent at least twice during each shift worked.

5 (d) Home Health Care - If Respondent is approved to work in the home health care
6 setting, the individual providing supervision and/or collaboration shall have person-to-person
7 communication with Respondent as required by the Board each work day. Respondent shall
8 maintain telephone or other telecommunication contact with the individual providing supervision
9 and/or collaboration as required by the Board during each work day. The individual providing
10 supervision and/or collaboration shall conduct, as required by the Board, periodic, on-site visits to
11 patients' homes visited by Respondent with or without Respondent present.

12 9. **Employment Limitations.** Respondent shall not work for a nurse's registry, in any
13 private duty position as a registered nurse, a temporary nurse placement agency, a traveling nurse,
14 or for an in-house nursing pool.

15 Respondent shall not work for a licensed home health agency as a visiting nurse unless the
16 registered nursing supervision and other protections for home visits have been approved by the
17 Board. Respondent shall not work in any other registered nursing occupation where home visits
18 are required.

19 Respondent shall not work in any health care setting as a supervisor of registered nurses.
20 The Board may additionally restrict Respondent from supervising licensed vocational nurses
21 and/or unlicensed assistive personnel on a case-by-case basis.

22 Respondent shall not work as a faculty member in an approved school of nursing or as an
23 instructor in a Board approved continuing education program.

24 Respondent shall work only on a regularly assigned, identified and predetermined
25 worksite(s) and shall not work in a float capacity.

26 If Respondent is working or intends to work in excess of 40 hours per week, the Board may
27 request documentation to determine whether there should be restrictions on the hours of work.

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1 10. **Complete a Nursing Course(s).** Respondent, at his own expense, shall enroll and
2 successfully complete a course(s) relevant to the practice of registered nursing no later than six
3 months prior to the end of his probationary term.

4 Respondent shall obtain prior approval from the Board before enrolling in the course(s).
5 Respondent shall submit to the Board the original transcripts or certificates of completion for the
6 above required course(s). The Board shall return the original documents to Respondent after
7 photocopying them for its records.

8 11. **Cost Recovery.** Respondent shall pay to the Board costs associated with its
9 investigation and enforcement pursuant to Business and Professions Code section 125.3 in the
10 amount of \$4,687.50. Respondent shall be permitted to pay these costs in a payment plan
11 approved by the Board, with payments to be completed no later than three months prior to the end
12 of the probation term.

13 If Respondent has not complied with this condition during the probationary term, and
14 Respondent has presented sufficient documentation of his good faith efforts to comply with this
15 condition, and if no other conditions have been violated, the Board, in its discretion, may grant an
16 extension of Respondent's probation period up to one year without further hearing in order to
17 comply with this condition. During the one year extension, all original conditions of probation
18 will apply.

19 12. **Violation of Probation.** If Respondent violates the conditions of his probation, the
20 Board after giving Respondent notice and an opportunity to be heard, may set aside the stay order
21 and impose the stayed discipline (revocation/suspension) of Respondent's license.

22 If during the period of probation, an accusation or petition to revoke probation has been
23 filed against Respondent's license or the Attorney General's Office has been requested to prepare
24 an accusation or petition to revoke probation against Respondent's license, the probationary
25 period shall automatically be extended and shall not expire until the accusation or petition has
26 been acted upon by the Board.

27 13. **License Surrender.** During Respondent's term of probation, if he ceases practicing
28 due to retirement, health reasons or is otherwise unable to satisfy the conditions of probation,

1 Respondent may surrender his license to the Board. The Board reserves the right to evaluate
2 Respondent's request and to exercise its discretion whether to grant the request, or to take any
3 other action deemed appropriate and reasonable under the circumstances, without further hearing.
4 Upon formal acceptance of the tendered license and wall certificate, Respondent will no longer be
5 subject to the conditions of probation.

6 Surrender of Respondent's license shall be considered a disciplinary action and shall
7 become a part of Respondent's license history with the Board. A registered nurse whose license
8 has been surrendered may petition the Board for reinstatement no sooner than the following
9 minimum periods from the effective date of the disciplinary decision:

10 (1) Two years for reinstatement of a license that was surrendered for any reason other
11 than a mental or physical illness; or

12 (2) One year for a license surrendered for a mental or physical illness.

13 14. **Physical Examination.** Within 45 days of the effective date of this Decision,
14 Respondent, at his expense, shall have a licensed physician, nurse practitioner, or physician
15 assistant, who is approved by the Board before the assessment is performed, submit an
16 assessment of the Respondent's physical condition and capability to perform the duties of a
17 registered nurse, including a determination as set forth below in the condition titled "Rule-Out
18 Substance Abuse Assessment." Such an assessment shall be submitted in a format acceptable to
19 the Board. If medically determined, a recommended treatment program will be instituted and
20 followed by the Respondent with the physician, nurse practitioner, or physician assistant
21 providing written reports to the Board on forms provided by the Board.

22 If Respondent is determined to be unable to practice safely as a registered nurse, the
23 licensed physician, nurse practitioner, or physician assistant making this determination shall
24 immediately notify the Board and Respondent by telephone, and the Board shall request that the
25 Attorney General's office prepare an accusation or petition to revoke probation. Respondent shall
26 immediately cease practice and shall not resume practice until notified by the Board. During this
27 period of suspension, Respondent shall not engage in any practice for which a license issued by
28 the Board is required until the Board has notified Respondent that a medical determination

1 permits Respondent to resume practice. This period of suspension will not apply to the reduction
2 of this probationary time period.

3 If Respondent fails to have the above assessment submitted to the Board within the 45-day
4 requirement, Respondent shall immediately cease practice and shall not resume practice until
5 notified by the Board. This period of suspension will not apply to the reduction of this
6 probationary time period. The Board may waive or postpone this suspension only if significant,
7 documented evidence of mitigation is provided. Such evidence must establish good faith efforts
8 by Respondent to obtain the assessment, and a specific date for compliance must be provided.
9 Only one such waiver or extension may be permitted.

10 **15. Mental Health Examination.** Respondent shall, within 45 days of the effective date
11 of this Decision, have a mental health examination including psychological testing as appropriate
12 to determine his capability to perform the duties of a registered nurse, including a determination
13 as set forth below in the condition titled "Rule-Out Substance Abuse Assessment." The
14 examination will be performed by a psychiatrist, psychologist or other licensed mental health
15 practitioner approved by the Board. The examining mental health practitioner will submit a
16 written report of that assessment and recommendations to the Board. All costs are the
17 responsibility of Respondent. Recommendations for treatment, therapy or counseling made as a
18 result of the mental health examination will be instituted and followed by Respondent.

19 If Respondent is determined to be unable to practice safely as a registered nurse, the
20 licensed mental health care practitioner making this determination shall immediately notify the
21 Board and Respondent by telephone, and the Board shall request that the Attorney General's
22 office prepare an accusation or petition to revoke probation. Respondent shall immediately cease
23 practice and may not resume practice until notified by the Board. During this period of
24 suspension, Respondent shall not engage in any practice for which a license issued by the Board
25 is required, until the Board has notified Respondent that a mental health determination permits
26 Respondent to resume practice. This period of suspension will not apply to the reduction of this
27 probationary time period.

28 If Respondent fails to have the above assessment submitted to the Board within the 45-day

1 requirement, Respondent shall immediately cease practice and shall not resume practice until
2 notified by the Board. This period of suspension will not apply to the reduction of this
3 probationary time period. The Board may waive or postpone this suspension only if significant,
4 documented evidence of mitigation is provided. Such evidence must establish good faith efforts
5 by Respondent to obtain the assessment, and a specific date for compliance must be provided.
6 Only one such waiver or extension may be permitted.

7 **16. Rule-Out Substance Abuse Assessment.** If the examiner conducting the physical
8 and/or mental health examination determines that the respondent is dependent upon drugs or
9 alcohol, or has had problems with drugs or alcohol (i.e. drug dependence in remission or alcohol
10 dependence in remission), that might reasonably affect the safe practice of nursing, then the
11 respondent must further comply with the following additional terms and conditions of probation:

12 **A. Participate in Treatment/Rehabilitation Program for Chemical**

13 **Dependence.** Respondent, at his expense, shall successfully complete during the
14 probationary period or shall have successfully completed prior to commencement
15 of probation a Board-approved treatment/rehabilitation program of at least six
16 months duration. As required, reports shall be submitted by the program on forms
17 provided by the Board. If Respondent has not completed a Board-approved
18 treatment/rehabilitation program prior to commencement of probation,
19 Respondent, within 45 days from the effective date of the decision, shall be
20 enrolled in a program. If a program is not successfully completed within the first
21 nine months of probation, the Board shall consider Respondent in violation of
22 probation.

23 Based on Board recommendation, each week Respondent shall be required
24 to attend at least one, but no more than five 12-step recovery meetings or
25 equivalent (e.g., Narcotics Anonymous, Alcoholics Anonymous, etc.) and a nurse
26 support group as approved and directed by the Board. If a nurse support group is
27 not available, an additional 12-step meeting or equivalent shall be added.
28 Respondent shall submit dated and signed documentation confirming such

1 attendance to the Board during the entire period of probation. Respondent shall
2 continue with the recovery plan recommended by the treatment/rehabilitation
3 program or a licensed mental health examiner and/or other ongoing recovery
4 groups.

5 **B. Abstain from Use of Psychotropic (Mood-Altering) Drugs.** Respondent
6 shall completely abstain from the possession, injection or consumption by any
7 route of all controlled substances and all psychotropic (mood altering) drugs,
8 including alcohol, except when the same are ordered by a health care professional
9 legally authorized to do so as part of documented medical treatment. Respondent
10 shall have sent to the Board, in writing and within fourteen (14) days, by the
11 prescribing health professional, a report identifying the medication, dosage, the
12 date the medication was prescribed, the Respondent's prognosis, the date the
13 medication will no longer be required, and the effect on the recovery plan, if
14 appropriate.

15 Respondent shall identify for the Board a single physician, nurse
16 practitioner or physician assistant who shall be aware of Respondent's history of
17 substance abuse and will coordinate and monitor any prescriptions for Respondent
18 for dangerous drugs, controlled substances or mood-altering drugs. The
19 coordinating physician, nurse practitioner, or physician assistant shall report to the
20 Board on a quarterly basis Respondent's compliance with this condition. If any
21 substances considered addictive have been prescribed, the report shall identify a
22 program for the time limited use of any such substances.

23 The Board may require the single coordinating physician, nurse
24 practitioner, or physician assistant to be a specialist in addictive medicine, or to
25 consult with a specialist in addictive medicine.

26 **C. Submit to Tests and Samples.** Respondent, at his expense, shall
27 participate in a random, biological fluid testing or a drug screening program which
28 the Board approves. The length of time and frequency will be subject to approval

1 by the Board. Respondent is responsible for keeping the Board informed of
2 Respondent's current telephone number at all times. Respondent shall also ensure
3 that messages may be left at the telephone number when she is not available and
4 ensure that reports are submitted directly by the testing agency to the Board, as
5 directed. Any confirmed positive finding shall be reported immediately to the
6 Board by the program and Respondent shall be considered in violation of
7 probation.

8 In addition, Respondent, at any time during the period of probation, shall
9 fully cooperate with the Board or any of its representatives, and shall, when
10 requested, submit to such tests and samples as the Board or its representatives may
11 require for the detection of alcohol, narcotics, hypnotics, dangerous drugs, or other
12 controlled substances.

13 If Respondent has a positive drug screen for any substance not legally
14 authorized and not reported to the coordinating physician, nurse practitioner, or
15 physician assistant, and the Board files a petition to revoke probation or an
16 accusation, the Board may suspend Respondent from practice pending the final
17 decision on the petition to revoke probation or the accusation. This period of
18 suspension will not apply to the reduction of this probationary time period.

19 If Respondent fails to participate in a random, biological fluid testing or
20 drug screening program within the specified time frame, Respondent shall
21 immediately cease practice and shall not resume practice until notified by the
22 Board. After taking into account documented evidence of mitigation, if the Board
23 files a petition to revoke probation or an accusation, the Board may suspend
24 Respondent from practice pending the final decision on the petition to revoke
25 probation or the accusation. This period of suspension will not apply to the
26 reduction of this probationary time period.

27 **D. Therapy or Counseling Program.** Respondent, at his expense, shall
28 participate in an on-going counseling program until such time as the Board

1 releases him from this requirement and only upon the recommendation of the
2 counselor. Written progress reports from the counselor will be required at various
3 intervals.

4 ACCEPTANCE

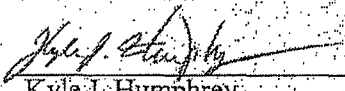
5 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
6 discussed it with my attorney, Kyle J. Humphrey. I understand the stipulation and the effect it
7 will have on my Registered Nursing License and Public Health Certificate. I enter into this
8 Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree
9 to be bound by the Decision and Order of the Board of Registered Nursing.

10
11 DATED: 10/24/12


12 JUAN G. GURROLA
Respondent

13 I have read and fully discussed with Respondent Juan G. Gurrola the terms and conditions
14 and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve
15 its form and content.

16 DATED: 10-24-12


17 Kyle J. Humphrey
Attorney for Respondent

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Exhibit A

Accusation No. 2012-340

1 KAMALA D. HARRIS
Attorney General of California
2 GLORIA A. BARRIOS
Supervising Deputy Attorney General
3 M. TRAVIS PEERY
Deputy Attorney General
4 State Bar No. 261887
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-0962
6 Facsimile: (213) 897-2804

7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2012-340

13 **JUAN G. GURROLA**
3601 Fairmount Street
14 Bakersfield, CA 93306

ACCUSATION

15 **Registered Nursing License No. 468646**
Public Health Certificate No. 58877

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
21 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
22 Consumer Affairs.

23 2. On or about August 31, 1991, the Board of Registered Nursing (Board) issued
24 Registered Nursing License No. 468646 to Juan G. Gurrola (Respondent). The Registered
25 Nursing License was in full force and effect at all times relevant to the charges brought herein and
26 will expire on September 30, 2013, unless renewed.

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3. On or about April 1, 1998, the Board issued Public Health Certificate No. 58877 to Respondent. The Public Health Certificate was in full force and effect at all times relevant to the charges brought herein and will expire on September 30, 2013, unless renewed.

JURISDICTION

4. This Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

STATUTORY PROVISIONS

5. Section 118, subdivision (b), of the Code provides that the suspension, expiration, suspension or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

6. Section 490 states:

"(a) In addition to any other action that a board is permitted to take against a licensee, a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

"(b) Notwithstanding any other provision of law, a board may exercise any authority to discipline a licensee for conviction of a crime that is independent of the authority granted under subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the licensee's license was issued.

"(c) A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code."

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1 potential unfitness of a registered nurse to practice in a manner consistent with the public health,
2 safety, or welfare. . ."

3 COST RECOVERY

4 10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
5 administrative law judge to direct a licensee found to have committed a violation or violations of
6 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
7 enforcement of the case.

8 FIRST CAUSE FOR DISCIPLINE

9 (Criminal Convictions)

10 11. Respondent is subject to disciplinary action under sections 490 and 2761, subdivision
11 (f), in conjunction with California Code of Regulations, title 16, section 1444, in that Respondent
12 was convicted of crimes substantially related to the qualifications, functions or duties of a
13 licensed registered nurse, as follows:

14 a. On or about January 21, 2011, after pleading nolo contendere, Respondent was
15 convicted of one misdemeanor count of violating Penal Code section 415 (2) [disturbing the
16 peace], in the criminal proceeding entitled *The People of California v. Juan Manuel Gurrola*
17 (Super. Ct. Kern County, 2011, No. BM777631A). Respondent was court ordered to attend Sex
18 Education Classes for 10 days, pay fines totaling \$553.00, and placed on probation for a period of
19 3 years with certain terms and conditions. The circumstances surrounding the conviction are that
20 on or about October 1, 2010, Respondent entered an adult cinema in Bakersfield, California and
21 engaged in a lewd act.

22 b. On or about August 30, 2009, after pleading nolo contendere, Respondent was
23 convicted of one misdemeanor count of violating Vehicle Code section 23152 (a) [driving while
24 having blood alcohol content greater than 0.8%], in the criminal proceeding entitled *The People of*
25 *California v. Juan Manuel Gurrola* (Super. Ct. Kern County, 2009, No. BM753124A).
26 Respondent was court ordered to participate in both a Licensed Alcohol Education Program for 3
27 months and Victim Impact Panel, pay fines totaling \$1,754.00 and placed on probation for a
28 period of 3 years with current terms and conditions. The circumstances surrounding the

conviction are that on or about June 7, 2009, the California Highway Patrol arrested Respondent for driving under the influence of alcohol. Respondent completed a breath test with results of 0.11% and 0.12%.

SECOND CAUSE FOR DISCIPLINE

(Dangerous Use of Alcohol)

12. Respondent is subject to disciplinary action under section 2761, subdivision (a), on the grounds of unprofessional conduct as defined in section 2762, subdivision (b), in that on or about June 7, 2009, Respondent used alcohol beverages to an extent or in a manner dangerous or injurious to himself, and the public. Complainant refers to, and by this reference incorporates, the allegation set forth above in paragraph 11, subparagraph (b), inclusive, as though set forth fully.

THIRD CAUSE FOR DISCIPLINE

(Conviction Involving the Consumption of Alcohol)

13. Respondent is subject to disciplinary action under section 2761, subdivision (a), as defined in section 2762, subdivision (c), in that on or about August 30, 2009, Respondent was convicted of a crime involving the consumption of alcohol. Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraph 11, subdivision (b), inclusive, as though set forth fully.

FOURTH CAUSE FOR DISCIPLINE

(Unprofessional Conduct)

14. Respondent is subject to disciplinary action under section 2761, subdivision (a), for unprofessional conduct in connection with alcohol use and criminal convictions. Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraph 11, subparagraphs (a) and (b), as though set forth fully.

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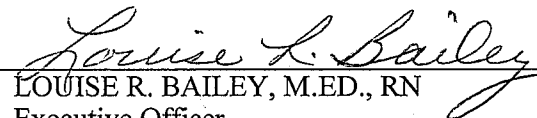
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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board issue a decision:

1. Revoking or suspending Registered Nursing License No. 468646, issued to Juan G. Gurrola;
2. Revoking or suspending Public Health Certificate No. 58877, issued to Juan G. Gurrola;
3. Ordering Juan G. Gurrola to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and
4. Taking such other and further action as deemed necessary and proper.

DATED: December 2, 2011


LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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